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**OFFICE OF PETITIONS**

In re Application of :  
Randall R. Geib :  
Application No. 10/693,195 : **DECISION ON PETITION**  
Filed: October 24, 2003 :  
Attorney Docket No. :  
0241-P03282US0 :

This is a decision on the petition under 37 CFR 1.181(a), filed May 4, 2007, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to timely respond to the non-final Office action of October 3, 2006, which set a three (3) month shortened statutory period for reply. A reply was due on or before January 3, 2007, or on or before April 3, 2007, with the appropriate extension of time fee.

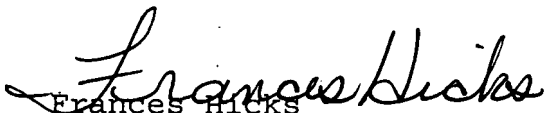
Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard, which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on April 9, 2007 of the following documents: "Response, \$1.8 Cert. Of Mailing, \$1.136 Pet. for Extension, Fee Transmittal (Dupl.), \$1,120 check, Auth. to charge dep. acct. A copy of the previously submitted reply, along with a copy of the certificate of mailing dated April 3, 2007, accompanies the petition.

The correspondence stated to have been mailed by certificate of mailing on April 3, 2007 was in fact received on April 9, 2007, and is of record in the file record of this application. Further, the \$1,020 extension of time fee appears in the finance records of the USPTO. Accordingly, as the reply was timely filed, the holding of abandonment in this application was improper.

In view of the above, the Notice of Abandonment is vacated and the holding of abandonment is hereby withdrawn.

It is noted that the Notice of Abandonment of April 10, 2007 indicates that the examiner has confirmed with petitioner herein that no reply was submitted. However, as the reply is now of record, it is clear that this statement is incorrect.

This application is being referred to Technology Center AU 3679 for appropriate action in the normal course of business on the reply received on April 9, 2007.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions